

***United States Court of Appeals
for the Second Circuit***



MEMORANDUM

77-4057

In the
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

No. 77-4057
(consolidated with Nos. 77-4067,
77-4068, 77-4073, 77-4074 and 77-4075)

AMERICAN TELEPHONE AND TELEGRAPH COMPANY, et al.,
Petitioners,

v.

FEDERAL COMMUNICATIONS COMMISSION
and UNITED STATES OF AMERICA,

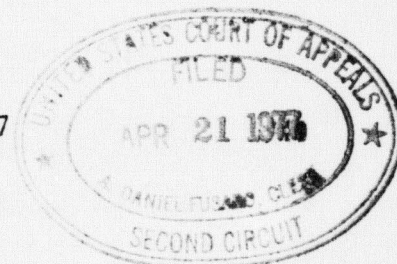
Respondents,

AMERICAN TRUCKING ASSOCIATIONS, INC., et al.,

Intervenors.

On Petition for Review of Orders
of the Federal Communications Commission

STATEMENT OF THE SECURITIES INDUSTRY
AUTOMATION CORPORATION, PETITIONER IN
NO. 77-4068, INTERVENOR IN NO. 77-4057



STATEMENT IN LIEU OF PETITIONER'S BRIEF

Petitioner (in No. 77-4068) and intervenor (in No. 77-4057) Securities Industry Automation Corporation (SIAC), in lieu of a petitioner's brief, submits the following statement.

Upon review of the complex issues presented by the FCC's orders under review, SIAC has determined that it would be more appropriate and more beneficial to the Court in its consideration of these issues for SIAC to submit its brief as an intervenor's brief in response to the briefs of certain other petitioners in these consolidated cases, rather than as a petitioner's brief.

In particular, SIAC does not challenge the Commission's holding that AT&T's tariff provisions unlawfully restrict sharing or resale of private line services. SIAC will demonstrate that, should the Court agree that the Commission correctly found AT&T's restrictions on sharing to be unlawful, but find that the record does not justify a prescription of unrestricted and unlimited sharing, there exists a reasonable solution in the form of existing tariffs of other carriers, which were before the Commission but were not adequately considered by the Commission and have not in any legally permissible manner been found unlawful.

Accordingly, SIAC will not file a petitioner's brief, but will file an intervenor's brief at the appropriate time.

Respectfully submitted,

SECURITIES INDUSTRY AUTOMATION
CORPORATION

By

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April 18, 1977

CERTIFICATE OF SERVICE

I, Elaine Maier, hereby certify that on the 18th day of April 1977, copies of the attached STATEMENT IN LIEU OF PETITIONER'S BRIEF were served by placing said statement in the United States mail, first class, postage prepaid, to the parties on the attached service list.

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